

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

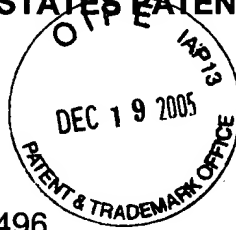
In re the Application of:

GENEROUS et al.

Applicatoin No.: 09/930,496

Filed: August 16, 2001

For: MULTI-CHANNEL MESSAGING SYSTEM AND METHOD



Confirmation No.: 1584

Art Unit: 2157

Examiner: U. Alam

Docket No.: 014873-00024

**RESPONSE TO RESTRICTION AND ELECTION OF SPECIES REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

December 19, 2005

Sir:

This election is being made in response to the Office Action dated October 19, 2005, which stated that the application contained embodiments directed to six (6) distinct groups. The Office Action required the Applicants, under 35 U.S.C. § 121, to elect a single disclosed group for prosecution on the merits. The six (6) groups identified in the Office Action are:

- I. Claims 1-32, and 124, are drawn a method for delivery messages based on a subscriber profile, classified in class 709, subclass 206
- II. Claims 33-48, 118, 119, 125 and 128, drawn to a method for monitoring network conditions, classified in class 709, subclass 224.
- III. Claims 49-89 and 126, drawn to method for delivery messages based on expiration time, classified in class 709, subclass 207.
- IV. Claims 90-117 and 127, drawn to adding a channel dependent tracking ID to a message, classified in class 709, subclass 228.

V. Claims 120, 121, and 129, drawn to delivery messages based on location, classified in class 709, subclass 207.

VI. Claims 122, 123 and 130, drawn to a method for sending a message based on retrieval pattern of recipient, classified in class 709, subclass 232.

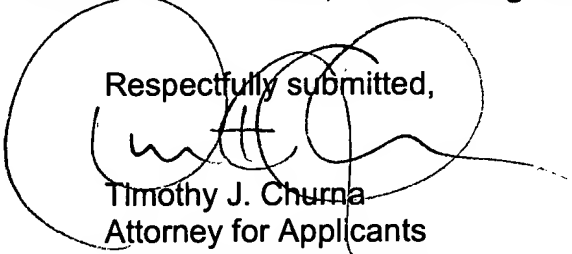
Pursuant to the restriction requirement, the Applicants elects the prosecution on the merits of **Group I** recited in **claims 1-32, and 124**, drawn to a method for delivering messages based on a subscriber profile, classified in class 709, subclass 206, **without traverse**.

With the above election, the Applicants respectfully submit that the application is in a condition for examination on the merits. An early examination and favorable action is respectfully solicited.

The Applicants hereby reserve the right to file one or more divisional applications directed to the non-elected invention.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to Counsel's Deposit Account No. 01-2300, **referencing attorney docket number 014873-00024**.

Respectfully submitted,

  
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Enclosure: Petition for Extension of Time (one month)